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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,923	11/27/2000	Terence Leong	SMQ-114/P5635	4941

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BOSTON, MA 02109

EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,923

Applicant(s)

LEONG ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-27, 30-44 and 47-59 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 28, 29, 45, and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: amendment filed 1/11/05.
2. Claims 1-59 are pending in the case. Claims 1, 9, 18, 26, 35, 43, and 52, are independent claims.
3. Claims 1-10, 13-27, 30-44, and 47-59, *remain rejected* under 35 U.S.C. 103(a) as being unpatentable over Bierman.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-10, 13-27, 30-44, and 47-59, are rejected under 35 U.S.C. 103(a) as being unpatentable over G.M. Bierman 'Using XML as an Object Interchange Format', University of Warwick, May 17, 2000.**

In reference to independent claim 1, Bierman teaches:

The paper discloses a means for utilizing XML as an object interchange format. We define a new XML document type, OIFML, and show how it can be used to specify ODMG-objects. Furthermore, the reference discloses when specifying an object, an arbitrary subset of its attributes can be initialized explicitly (compare to "receiving at least one structured document representing an instance of an object including attributes and attribute values defined for a class"). See Bierman, pages 1-4. The reference provides the suggestion of utilizing an object database and although the reference does not explicitly state the database is capable of storing multiple structured documents

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representing multiple objects, however, the object interchange format suggests the exchange of structured documents in various programming languages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the object database and provide storage of multiple structured XML documents because the markup language is supported by a large number of tools and it would have given the author the added benefit of utilizing XML in the proficient interchange of object databases.

It is possible to specify that when an object is loaded in, it is placed physically near another object. Such clustering is specified using an XML attribute proximity (compare to “*requesting to store an instance of an object implemented in a programming language into a database*”). See Bierman, page 3. It is unclear to the Examiner who is performing the request. The physical clustering suggests a request for an object to be placed physically near another object. The utilization of an object interchange format suggests the placement of and retrieval of objects between two distinct locations.

In reference to dependent claim 2, Bierman teaches:

The reference provides a standard for the persistence of object oriented programming language objects in databases, which consists of an object model, object specification languages, object query languages, and programming language bindings (currently for Java, C++, and Smalltalk. See Bierman, page 1.

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In reference to dependent claim 3, Bierman teaches:

It is often the case that several objects are to be initialized with the same set of attributes values. A tag `shared_value_object` is provided for this purpose. See Bierman, page 4.

In reference to dependent claim 4, Bierman teaches:

The paper discloses a means for utilizing XML as an object interchange format. We define a new XML document type, OIFML, and show how it can be used to specify ODMG-objects. Furthermore, the reference discloses when specifying an object, an arbitrary subset of its attributes can be initialized explicitly. See Bierman, pages 1-4.

In reference to dependent claim 5, Bierman teaches:

The reference also allows for relationship with cardinality “many”. Bierman uses the same relationship tag as earlier, but provides a new tag links. See Bierman, page 11.

In reference to dependent claim 6 and 7, Bierman teaches:

The reference teaches the utilization of XML as a standard defining means for the interchange of object databases. See Bierman, page 12.

In reference to dependent claim 8, Bierman teaches:

The utilization of specific classes within the object-oriented database for use with XML structured documents. See Bierman, page 7.

In reference to dependent claim 9 and 10, Bierman teaches:

The utilization of specific classes within the object-oriented database for use with XML structured documents. The reference provides an instance of at least one object including attributes and attribute values defined for a class. See Bierman, page 7.

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In reference to dependent claim 13, Bierman teaches:

The paper discloses a means for utilizing XML as an object interchange format. We define a new XML document type, OIFML, and show how it can be used to specify ODMG-objects. Furthermore, the reference discloses when specifying an object, an arbitrary subset of its attributes can be initialized explicitly. See Bierman, pages 1-4

In reference to dependent claim 14, Bierman teaches:

The reference also allows for relationship with cardinality “many”. Bierman uses the same relationship tag as earlier, but provides a new tag links. See Bierman, page 11.

In reference to dependent claims 15 and 16, Bierman teaches:

The reference teaches the utilization of XML as a standard defining means for the interchange of object databases. See Bierman, page 12.

In reference to dependent claim 17, Bierman teaches:

The utilization of specific classes within the object-oriented database for use with XML structured documents. See Bierman, page 7.

In reference to claims 18-27, 30-34, the claims reflect the system comprising instructions used for performing the methods as claimed in claims 1-10, 13-17, respectively, and therefore are rejected under similar rationale.

In reference to claims 35-44, 47-51, the claims reflect the article of manufacture comprising instructions used for performing the methods as claimed in claims 1-10, 13-17, respectively, and therefore are rejected under similar rationale.

In reference to claims 52-59, the claims recite similar limitations to those of claims 1-8, and therefore are rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed 1/11/05 have been fully considered but they are not persuasive.

It is respectfully noted that applicant's incorporation of newly formed subject matter into independent claim 1, changes the scope of the claim's limitations when interpreted as a whole. Therefore, the instant rejections have been adjusted accordingly. Applicant argues on pages 16 & 17 of the amendment that the reference does not teach or suggest the limitations of independent claim 1. Applicant further states that Bierman does not teach or suggest 'requesting to store an instance of an object implemented in a programming language into a database that stores multiple structured documents representing multiple objects. Bierman teaches that it is possible to specify when an object is loaded in, it is placed physically near another object. Such clustering is specified using an XML attribute proximity (compare to "***requesting to store an instance of an object implemented in a programming language into a database***"). See Bierman, page 3. It is unclear to the Examiner who is performing the request as stated within the limitations of the claims. The physical clustering suggests a request for an object to be placed physically near another object. The utilization of an object interchange format suggests the placement of and retrieval of objects between two distinct locations. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the file format for loading and unloading object data from the ODMS suggests the exchange of XML language components that present a means for maintaining object data.

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Allowable Subject Matter

7. Claims 11, 12, 28, 29, 45, and 46, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

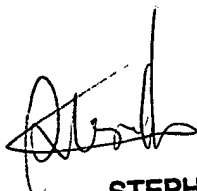
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
April 12, 2005



STEPHEN HONG
SUPERVISORY PATENT EXAMINER